

State of Colorado



Bill Owens
Governor

Stacy L. Worthington
Board Director

DPA

Department of Personnel
& Administration

State Personnel Board

The Chancery
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Denver, Colorado 80203
Phone (303) 764-1472
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AGENDA PUBLIC BOARD MEETING September 16, 2003

A public meeting of the State Personnel Board will be held on Tuesday, September 16, 2003, at the Colorado Department of Transportation, 4201 East Arkansas Avenue, Second Floor Auditorium, Denver, Colorado 80222. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-764-1472 by September 11, 2003.

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I. REQUESTS FOR RESIDENCY WAIVERS

- A. September 1, 2003 Report on Residency Waivers

Reports are informational only; no action is required.

II. PENDING MATTERS - MOTIONS

- A. Anwar Hussein v. Regents of the University of Colorado, University of Colorado at Colorado Springs, State Personnel Board case number 2002B041.

Complainant petitioned the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's decision to terminate Complainant's probationary employment. On August 6, 2003, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied. The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge on August 19, 2003. On August 27, 2003, Complainant filed Exceptions to Preliminary Recommendation of the Administrative Law Judge.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

There are no Initial Decisions or Other Final Orders of the Administrative Law Judges or the Director on appeal to the Board this month.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

- A. Joseph Encinias v. Department of Transportation, State Personnel Board case number 2003B078.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review the non-disciplinary reduction of Complainant's current base pay after Respondent hired Complainant at a higher base pay level. On August 14, 2003, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be granted.

- B. Joyce Miller v. Department of Personnel, Division of Finance & Procurement, Office of State Controller, State Personnel Board case number 2003G010.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review an adverse final grievance decision. On August 21, 2003, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.

- C. Erica Glass v. Department of Human Services, Food Distribution Unit, State Personnel Board case number 2003G105.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review an adverse final grievance decision. On September 3, 2003, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.

- D. Catherine Thurston v. Department of Revenue, Taxpayer Service, State Personnel Board case number 2003G097.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review an adverse final grievance decision. On September 4, 2003, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.

- E. Chris Lange v. Trustees of the State Colleges in Colorado, Mesa State College, State Personnel Board case number 2003G059.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's decision to terminate Complainant's probationary employment. On August 29, 2003, a Preliminary Recommendation of the Director was issued, recommending that a hearing be denied.

- F. Daniel Manning v. Department of Higher Education, Auraria Higher Education Center, Division of Facilities Management, State Personnel Board case number 2002B117.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's decision to terminate Complainant's probationary employment. On September 4, 2003, a Preliminary Recommendation of the Director was issued, recommending that a hearing be denied.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR

There are no Initial Decisions or Other Final Orders of the Administrative Law Judges or the Director before the Board this month.

VI. REVIEW OF THE MINUTES FROM THE AUGUST 19, 2003 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS AUGUST 19, 2003 PUBLIC MEETING:

- A. Perry Venard v. Department of Corrections, Arkansas Valley Correctional Facility, State Personnel Board case number 2000B114.

The Board voted to deny both motions made by Complainant (motion for a new hearing or remand and the taking of supplemental testimony). In a separate vote, the Board voted to affirm and ratify the Order of the State Personnel Board dated September 25, 2001, adopting the findings of fact and conclusions of law of the Administrative Law Judge in the Initial Decision of the Administrative Law Judge.

- B. Zeldra Bryant v. Regents of the University of Colorado, University of Colorado Health Science Center, State Personnel Board case number 2003B089.

The Board voted to adopt the Preliminary Recommendation of the Director and deny the petition for hearing.

- C. Anwar Hussein v. Regents of the University of Colorado, University of Colorado at Colorado Springs, State Personnel Board case number 2002B041.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts
- Order Affirmed in Tucker v. Department of Public Health and Environment, State Personnel Board case number 2002B001, Court of Appeals No. 02CA1721
- Rulemaking to Comply with Statute
 - Notice of Public Hearing to Consider Adoption of Permanent Rules
 - Notice of Public Hearing to Consider Adoption of Permanent Administrative Procedures
 - Proposed Changes to Director's Administrative Procedure
 - Statement of Basis, Specific Statutory Authority, and Purpose for the State Personnel Director's Adoption of Permanent Administrative Procedures P-3-21, P-3-37, P-3-51, P-3-52, P-3-53, P-4-8, P-4-20, P-5-10
- Changes to the Whistleblower Statute

- B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

X. EXECUTIVE SESSION

A. Case Status Report

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**NEXT REGULARLY SCHEDULED BOARD MEETINGS
9:00 a.m.**

| <u>Date</u> | <u>Location</u> |
|---------------------------|--|
| October 21, 2003 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| *November 18, 2003 | Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 |
| *December 16, 2003 | Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 |
| January 20, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| February 17, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| March 16, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| April 20, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| May 18, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| June 15, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |

* PLEASE NOTE LOCATION OF BOARD MEETINGS FOR NOVEMBER & DECEMBER 2003.